

Remarks/Arguments:

Claims 4, 7-10, 12 and 14-16 are pending in the above-identified application. Claims 1-3, 5-6, 11 and 13 have been cancelled.

Claims 4, 12 and 14-16 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson and Baker et al. It is respectfully submitted, however, that the claims are now patentable over the art of record for the reasons set forth below. Applicants' invention, as recited by claim 1, includes features which is neither disclosed nor suggested by the art of record, namely:

... as the speed or the acceleration of the information transmitting apparatus increases, a subsequent rank of all the plurality of ranks is elected as the predetermined power ...

Basis for these amendments may be found, for example, in the specification at page 7, lines 7-19 and FIG. 5.

Olson does not disclose selecting a predetermined power according to each of a plurality of ranks. In fact, the Examiner admits that Olson does not disclose a controller for selecting a predetermined power according to each of a plurality of ranks of the speed or the acceleration. (Office Action, page 3, lines 13-15). Baker discloses a radio communication system that includes a primary station BS and secondary stations MS 114. In Baker, the rate of change of output of electric field intensity is controlled according to the speed. Further, the current output in Baker is adjusted so that the output of secondary stations MS become the best condition against the primary station BS. The current output may be adjusted to be enlarged. Alternatively, the current output may be adjusted to be reduced. Δ_{TPC} is added to the current output and the current output is adjusted as a continuous function.

In the exemplary embodiment of Applicants' invention, the output value is selected according to the speed or acceleration. (Page 7, lines 7-19 and FIG. 5). When the speed increases, an enlarged output is selected. When the speed increases more, a reduced output is selected. The current output itself is changed. The current

output is adjusted as a non-continuous function. Thus, Applicants' exemplary embodiment discloses "... as the speed or the acceleration of the information transmitting apparatus increases, a subsequent rank of all the plurality of ranks is elected as the predetermined power," as now recited in amended claim 4.

The target of the exemplary embodiment of Applicants' invention is different than the target of Baker. The target of Baker is the effective communication with the specific primary station BS 100 (Fig. 1). In contrast, the target of Applicants' exemplary embodiment is the immediate response to the non-specific operation apparatus 12 (Fig. 1) (i.e. door 42 (Fig. 4), personal computer, gate, etc.). That is, the target of the exemplary embodiment of Applicants' invention is to respond immediately to the apparatus 11 moving with respect to apparatus 12 (Fig. 1), according to the speed or acceleration. Thus, Baker does not disclose "... as the speed or the acceleration of the information transmitting apparatus increases, a subsequent rank of all the plurality of ranks is elected as the predetermined power," as recited in amended claim 4. Thus, claim 4 is allowable over the art of record.

Claim 12, while not identical to claim 4, includes features similar to those set forth above with regard to claim 4. Thus, claim 12 is also allowable over the art of record for reasons similar to those set forth above with regard to claim 4.

Claims 14-15 depend from claim 12 and claim 16 depends from claim 4. Accordingly, these claims are also allowable over the art of record.

Claims 7-9 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson, Baker et al. and Fitzgibbon et al. Amended claims 7 and 9, while not identical to claim 4, include features similar to those set forth above with regard to claim 4. Olson and Baker et al. are described above. Fitzgibbon et al. was cited for teaching an authentication part for authenticating users. Fitzgibbon et al. does not disclose the features missing from Olson and Baker et al. Thus, claims 7 and 9 are also allowable over the art of record for reasons similar to those set forth above with regard to claim 4. Claim 8 depends from claim 7. Accordingly, claim 8 is also allowable over the art of record.

Claim 10 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson, Baker et al., Fitzgibbon et al. and Westerlage. Claim 10 is, however, allowable because it depends from an allowable claim.

In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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